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In re Application of	:	
HAYES	:	DECISION ON RENEWED
Application No.: 10/532,907	:	
PCT No.: PCT/US03/36836	:	REQUEST UNDER
Int. Filing Date: 17 November 2003	:	
Priority Date: 15 November 2002	:	37 CFR 1.497(d)
Attorney Docket No.: 33072/101/101/	:	
For: SYSTEM AND METHOD OF VISIBLE	:	
SURFACE DETERMINATION IN	:	
COMPUTER GRAPHICS USING	:	
INTERVAL ANALYSIS	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 30 March 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 February 2006, applicant was mailed a decision dismissing applicant's request under 37 CFR 1.497(d) to delete Mr. David R. Schmidt as an inventor in the present application. Applicant was afforded two months to respond and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 30 March 2006, applicant filed the present renewed petition.

DISCUSSION

As discussed in the decision mailed 02 February 2006, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (2) and (3); while item (4) did not apply.

As to item (1), applicant has now submitted a statement from Mr. Schmidt avowing that the error in inventorship occurred without any deceptive intention on his part.

As such, it is proper to grant applicant's renewed request at this time.

CONCLUSION

For the reasons above, applicant's renewed request under 37 CFR 1.497(d) is **GRANTED**.

This application will be given an international application filing date of 17 November 2003 and a date of **27 April 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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